

**Town of La Pointe Zoning  
Town Plan Commission Public Hearing  
December 8 2010**

**Town Plan Commission (TPC) Members Present:** Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Greg Thury, Carey Baxter, Ron Madich (7).

**Town Plan Commission Members Absent:** none.

**Public Present:** Jim Patterson, Mike Murphy, Marie Noha, Jim Noha, Louise McCray, Regina Laroche, Robin Trinko-Russell, Paul Brummer, Birdie Pallas, Charles Meech, Gary Russell, Kate Bortell, Todd Carlson (13, sign-up sheets attached to these minutes).

**Town Staff Members Present:** Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

**I. Call to Order/Roll Call**

Chair Pallas called the Public Hearing to order at 5:00 PM at the La Pointe Elementary Gymnasium. Roll call reflected members present or absent as recorded above.

**II. Confirm Posting & Publishing**

J. Croonborg-Murphy states that posting and publishing have been correctly done and that the records and affidavits are attached to these minutes for public viewing.

**III. Zoning Ordinance Revision Project**

**A. SECTION 1 INTRODUCTION**

**1.1 Authority and Purpose:** Amend language

**B. SECTION 2 DEFINITIONS:**

Add and delete several definitions, amend several existing definitions

**C. SECTION 3 ZONING DISTRICTS:**

Establishment of new zoning districts for compliance with Comprehensive Plan. Add, Delete and Amend permitted and conditional uses in all existing zoning districts.

**D. SECTION 4 GENERAL PROVISIONS**

**4.2 Standard District Requirements:** Amend language regarding Yard Requirements, Height Exceptions, Lot Sizes, Accessory Uses and Structures, Drainage/Sanitation/Water Supply. Delete requirements regarding Development in Areas with Poor Soils. Add sections regarding Parcels in Multiple Zoning Districts, Minor Accessory Structures, Construction Site Maintenance and Erosion Control.

**4.3 Supplementary Regulation:** Amend language regarding Off-Street Parking Regulations, Nonconforming Lots of Record, Camping on Private Lands

**4.4 Shoreland Regulations:** Amend language regarding Setbacks, Removal of Shoreline Cover, Commercial Forestry, Filling/Grading/Ditching/Lagooning.

**4.5 Floodplain Regulations:** Amend language

**E. SECTION 5 SIGNS:**

**5.1 through 5.4:** Amend language regarding signs

**F. SECTION 6 REGULATION OF SPECIAL USES**

**6.1 through 6.10 General Provisions:** Amend language regarding Quarries (Gravel Pits) and Mines, Junk/Salvage Yards, Planned Unit Residential Developments, Travel Trailer Parks/Campgrounds, Rental of Single Family Dwellings, Light Industrial Zone, Use of Residential Dwellings for Occupational Businesses. Delete section regarding Mobile Home Park. Add sections regarding Lodging Facilities,

Accessory Dwellings (Guest Houses), Rental of Accessory Dwellings (Guest Houses), and Sexually-Oriented Businesses.

**G. SECTION 7 CONDITIONAL USES:**

**7.1 through 7.2:** Amend language regarding the process of Conditional Use Permit Application procedure and appeal.

**H. SECTION 8 ADMINISTRATION:**

**8.1 Zoning Administrator:** Amend language regarding the Duties, Power and Authority of Zoning Administrator.

**8.2 Sanitary Agent:** Amend language

**8.3 Land Use Permits:** Amend language regarding Permits Required, Application Procedure, Expiration.

**8.4 Permit Process:** Amend language

**8.5 Enforcement:** Amend language

**8.6 Written Orders:** Amend language

**8.8 Nuisance:** Amend language

**8.9 Unlawful Building or Structure:** Amend language

**I. SECTION 9 NONCONFORMING USES:**

**9.1:** Delete existing Section 9.1. Reformat to add sections regarding Nonconforming Uses, Nonconforming Structures as it pertains to non-shoreline nonconformities, and Nonconforming Structures as it pertains to shoreline setback.

**J. SECTION 10 ZONING BOARD OF APPEALS**

**10.2 Rules:** Amend language to add By-Law requirements and authorize the BOA to hear Conditional Use Permit Appeals.

**K. SECTION 11 AMENDMENTS**

**11.1 Procedure:** Delete existing language and add detailed language for the process of amending the text and map of Zoning Ordinance.

**L. SECTION 12 PUBLIC HEARINGS**

**Section 12 Notice:** Amend language

**M. SECTION 13 TOWN PLAN COMMISSION**

**13.1 Establishment:** Amend language

**13.2 Compliance:** Amend language

**13.3 Membership:** Amend language

**13.4 Organization:** Amend language

**13.5 Powers:** Amend language

**13.6 Applications:** Amend language

**13.8 Hearings:** Amend language

**N. SECTION 15 COMPLAINTS**

**15.1:** Amend language to create separate procedures regarding Land Use Permit Complaints (or lack thereof) and Conditional Use Permit Complaints.

**O. SECTION 16 APPENDICES: New Section**

**16.1 Zoning Schedules-Dimensional Requirements:** Amend Schedule to include new Zoning Districts and amend existing setbacks

**16.2 Lot Width for Irregular Shaped Lots:** New Section

**16.3 Zoning District Use Matrix:** New Section. Visual table to coincide with Section 3 Permitted and Conditional Uses

**16.4 Lots in Multiple Zoning Districts:** New Section. Visual aid to coincide with new Section 4.2(F).

**P. SECTION 17 ZONING MAP : New Section**

Amend Official Zoning Map of the Town of La Pointe for consistency with the Zoning Districts and Uses listed in Comprehensive Plan of the Town of La Pointe Future Land Use Map as well as rezone established nonconforming uses to make them conforming.

The Town Plan Commission reads aloud all signed letters and emails submitted by the public for this Public Hearing. The letters and emails are attached to these minutes and are a permanent part of the record.

- Rose Fahien dated 11/30 (read by Chair Pallas)
- Rita Donohue Brandt dated 11/29 (read by Chair Pallas)
- Ted Priem, originally dated 11/28, resubmitted 12/2 with signature (read by Chair Pallas)
- Elaine & Joe Floyd dated 11/29, resubmitted 12/1 with signature (read by C. Brummer)
- Dr. Margie & Carl Frederickson dated 12/5 (read by C. Brummer)
- Frank & Nancy Martin dated 12/1, resubmitted 12/1 with signature (read by C. Brummer)
- Pete Rogers dated 12/2 (read by G. Thury)
- Margaret & Donald Longlet dated 11/30, resubmitted 12/3 with signature (read by G. Thury)
- Dick Hoffman dated 12/3 (read by L. Whalen)
- Judy Donohue dated 11/30 (read by L. Whalen)
- Beth Fischlowitz dated 12/3 (read by L. Whalen)
- Peter Havens dated 12/1 (read by C. Baxter)
- Mike Starck dated 12/6 (read by C. Baxter)
- Sara Owen dated 12/7 (read by R. Madich)
- Pete Rogers dated 12/3 (read by R. Madich)
- Terence Donohue, dated 11/29 (read by R. Madich)
- William Owen dated 12/6 (read by R. Madich)
- William Tibble dated 12/8 (read by S. Soucek)
- William Fennell dated 12/8 (read by J. Croonborg-Murphy)

The following emails and letters were received without signature but are attached to these minutes and are a permanent part of the record.

- Amy Laing complaint dated 12/2
- Ginny & Stewart Campbell dated 12/7
- Pete Rogers received 12/7
- Jennifer Croonborg-Murphy dated 12/8
- Robert Hartzell dated 12/8

A petition was submitted which states: *"We the undersigned oppose a "Mixed Use Zone" on Middle Road or in any part of the W-2 Zone."* This petition is attached to these minutes and is a permanent part of the record.

In addition, the Town Plan Commission received a letter from Richard Karwath on December 9, 2010, which was date stamped December 2, 2010. This letter is attached to these minutes and is a permanent part of the record.

Members of the public attending the Public Hearing read aloud, and comment further upon, letters they have submitted. These letters are attached to these minutes and are a permanent part of the record.

- Paul Brummer, dated 12/3  
Mr. Brummer states that the comments at the last Public Hearing regarding Madeline Island School of the Arts (MISA) were wrong, and that nothing in the new Ordinance prevents past Conditional Use Permits from continuing in the W-2 district. He also states that the Comprehensive Plan is a fluid document subject to annual review, and that it is time to review it.

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- Charlie Meech, dated 12/8  
Mr. Meech speaks as a representative for Craftivity, Inc., the parent company of MISA. He states that they protest the changes made to the Ordinance that they believe will force MISA to shut down operations. Specifically, they feel that the changes make MISA nonconforming i.e. the proposed language in Section 9 that states that a nonconforming structure to only be rebuilt to 50% of its current fair market value), and will prevent buildings from being replaced were they to burn down. They want “Art and Craft School with Student Housing” to be added to the list of permitted uses in the W-2 district.
- Gary Russell & Robin Trinko-Russell, dated 12/7  
Mr. Russell & Ms. Trinko-Russell feel that the Comprehensive Plan is very pro MISA and the Madeline Island Music Camp, and that the proposed Ordinance does not reflect this. Language should be changed so as to explicitly show support for these institutions. They feel that R-3 district density and size of lots should not be changed. They feel that the Mixed Use district on Middle Road should be part of this Ordinance, as it is in the Comprehensive Plan. They feel that the Chateau Madeline/Brittany Cottages should be allowed as an existing use. They disagree with the “50% rule” (i.e. the proposed language in Section 9 that states that a nonconforming structure to only be rebuilt to 50% of its current fair market value). They feel that signage regulations need to be reexamined to allow temporary directional sign boards in the downtown area. Finally, they feel that an outside, independent professional be hired by the town to rewrite the Ordinance.

Chair Pallas opens the floor for comment at this time.

Jim Patterson speaks as a private citizen (not as a Town Board member). He makes the following points:

- He is in favor of sandwich board signs becoming permitted for the benefit of businesses in town.
- He likes the new language regarding Home Occupations and Home Businesses in Section 6.
- He feels that the “50% rule” (i.e. the proposed language in Section 9 that states that a nonconforming structure to only be rebuilt to 50% of its current fair market value) is unfair, and that the figure should be increased to 100%.

#### **IV. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:06 pm.

**Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Saturday, December 11, 2010.**

**Town Plan Commission 2<sup>nd</sup> draft minutes submitted by Margaretta Kusch, ZCA on Tuesday, January 04, 2011.**

**Town Plan Commission 2<sup>nd</sup> draft minutes are approved as submitted by Margaretta Kusch, ZCA on Wednesday, January 05, 2011.**